



PCT
JC14 Rec'd PCT/PTO 24 APR 2002

0020-4802P

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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MAY 13 2002

TECH CENTER 1600/2900

Applicant: ICHIRO AZUMA et al

Serial No.: 09/743,750

Group:

Filed: MARCH 22, 2001

Examiner:

For: FORMULATIONS USEFUL FOR IMMUNOTHERAPY FOR CANCERS CONTAINING BACTERIAL COMPONENT AS AN ACTIVE INGREDIENT

REQUEST FOR A CORRECTED OFFICIAL FILING RECEIPT

Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231

APR 24 2002

Sir:

Attached hereto is the Official Filing Receipt in connection with the above-identified application.

THE FOLLOWING CORRECTION(S) IS/ARE RESPECTFULLY REQUESTED:

TITLE--

Change From: "PREPARATIONS FOR IMMUNOTHERAPY FOR CANCER HAVING BACTERIAL SOMATIC CONSTITUENT AS THE ACTIVE INGREDIENT"

To: --FORMULATIONS USEFUL FOR IMMUNOTHERAPY FOR CANCERS CONTAINING BACTERIAL COMPONENT AS AN ACTIVE INGREDIENT--

FILING DATE--

Change From: "JANUARY 16, 2001"

To: --MARCH 22, 2001--

It is respectfully requested that the United States Patent and Trademark Office forward a new Filing Receipt showing the correction(s) to the undersigned attorney as listed on the enclosed photocopy of our Declaration and Postcard.

09/743,750

The correction(s) is/are due to an error by the United States Patent and Trademark Office, therefore no fee is due.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. 1.16 or under 37 C.F.R. 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By:

JOHN W. BAILEY
Reg. No. 32,881

P.O. Box 747
Falls Church, VA 22040-0747

Attachment
JWB/els
(703)205-8000



O I P E
APR 24 2002
JCT 6
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

| APPLICATION NUMBER | FILING DATE | GRP ART UNIT | FIL FEE REC'D | ATTY.DOCKET.NO | DRAWINGS | TOT CLAIMS | IND CLAIMS |
|--------------------|-------------|--------------|---------------|----------------|----------|------------|------------|
| 09/743,750 | 01/16/2001 | 1645 | 1626 | 0020-4802P | 8 | 26 | 22 |

2292
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

CONFIRMATION NO. 7730

RECORDED CORRECTED FILING RECEIPT

MAY 13 2002

OC0000000000297851*

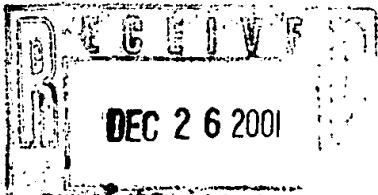
TECH CENTER 1600/2900

Date Mailed: 12/18/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

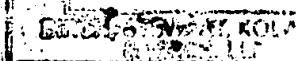
Applicant(s)

Ichiro Azuma, Sapporo-shi, JAPAN;
Norio Hamamatsu, Kawanishi-shi, JAPAN;
Toshio Fujinaga, Ibaraki-shi, JAPAN;



Domestic Priority data as claimed by applicant

THIS APPLICATION IS A 371 OF PCT/JP99/03837 07/16/1999



Foreign Applications

JAPAN 202366/1998 07/16/1998
JAPAN 236148/1998 08/21/1998
JAPAN 236163/1998 08/21/1998
JAPAN 236164/1998 08/21/1998

If Required, Foreign Filing License Granted 12/18/2001

Projected Publication Date: Not Applicable, filed prior to November 29,2000

Non-Publication Request: No

Early Publication Request: No

Title

Preparations for immunotherapy for cancer having bacterial somatic constituent as the active ingredient

Preliminary Class

435

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**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184**

MAY 13 2002

Title 37, Code of Federal Regulations, 5.11 & 5.15 TECH CENTER 1600/2900

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The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

PLEASE NOTE:
YOU MUST
COMPLETE THE
FOLLOWING:

COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT AND DESIGN APPLICATIONS

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated next to my name; that I verily believe that I am the original, first and sole inventor (if only one inventor is named below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Insert Title: → **FORMULATIONS USEFUL FOR IMMUNOTHERAPY FOR CANCERS CONTAINING
BACTERIAL COMPONENT AS AN ACTIVE INGREDIENT**

Fill in Appropriate
Information →
For Use
Without
Specification
Attached:

the specification of which is attached hereto. If not attached hereto,

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as **MAY 13 2002**

(if applicable); and/or

the specification was filed on **July 16, 1999** **TECH CENTER 1600/2000** as PCT International Application Number **PCT/JP99/03837** was filed on **July 16, 1999** (if applicable)

and amended under PCT Article 19 on **July 16, 1999** (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months (six months for designs) prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as follows.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Insert Priority
Information:
(if appropriate) →

Prior Foreign Application(s)

| | | | Priority Claimed |
|--------------------|--------------|----------------------------|---|
| <u>202366/1998</u> | <u>Japan</u> | <u>July 16, 1998</u> | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| (Number) | (Country) | (Month / Day / Year Filed) | |
| <u>236148/1998</u> | <u>Japan</u> | <u>August 21, 1998</u> | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| (Number) | (Country) | (Month / Day / Year Filed) | |
| <u>236163/1998</u> | <u>Japan</u> | <u>August 21, 1998</u> | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| (Number) | (Country) | (Month / Day / Year Filed) | |
| <u>236164/1998</u> | <u>Japan</u> | <u>August 21, 1998</u> | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| (Number) | (Country) | (Month / Day / Year Filed) | |

Insert Provisional
Application(s): →
(if any)

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

| (Application Number) | (Filing Date) |
|----------------------|---------------|
| | |

Insert Requested
Information:
(if appropriate) →

All Foreign Applications, if any, for any Patent or Inventor's Certificate Filed More than 12 Months (6 Months for Designs) Prior to the Filing Date of This Application:

| Country | Application Number | Date of Filing (Month / Day / Year) |
|---------|--------------------|-------------------------------------|
| | | |

Insert Prior U.S.
Application(s):
(if any) →

I hereby claim the benefit under Title 35, United States Code, §120 of any United States and/or PCT application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States and/or PCT application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

| (Application Number) | (Filing Date) | (Status — patented, pending, abandoned) |
|----------------------|---------------|---|
| | | |

instructions received from the entity who first sent the application papers to the attorneys identified below, unless the inventor(s) or assignee provides said attorney with a written notice to the contrary:

| | | | |
|---------------------|-------------------|-----------------------|-------------------|
| Raymond C. Stewart | (Reg. No. 21,066) | Terrell C. Birch | (Reg. No. 19,382) |
| Joseph A. Kolasch | (Reg. No. 22,463) | James M. Slattery | (Reg. No. 28,380) |
| Bernard L. Sweeney | (Reg. No. 24,448) | Michael K. Mutter | (Reg. No. 29,680) |
| Charles Gorenstein | (Reg. No. 29,271) | Gerald M. Murphy, Jr. | (Reg. No. 28,977) |
| Leonard R. Svensson | (Reg. No. 30,330) | Terry L. Clark | (Reg. No. 32,644) |
| Andrew D. Meikle | (Reg. No. 32,868) | Marc S. Weiner | (Reg. No. 32,181) |
| Joe McKinney Muncy | (Reg. No. 32,334) | C. Joseph Faraci | (Reg. No. 32,350) |
| Donald J. Daley | (Reg. No. 34,313) | John W. Bailey | (Reg. No. 32,881) |
| John A. Castellano | (Reg. No. 35,094) | | |

Send Correspondence to: BIRCH, STEWART, KOLASCH & BIRCH LLP
P.O. Box 747 • Falls Church, Virginia 22040-0747
Telephone: (703) 205-8000 • Facsimile: (703) 205-8050

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MAY 13 2000
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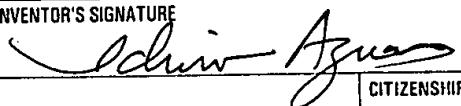
FOLLOWING:



I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of First or Sole Inventor:



| | | | |
|------------|-------------|--|-------------------|
| GIVEN NAME | FAMILY NAME | INVENTOR'S SIGNATURE | DATE* |
| Ichiro | AZUMA |  | December 22, 2000 |

Insert Name of Inventor:

Insert Date This Document is Signed

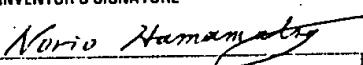
Insert Residence Address

Insert Post Office Address

Full Name of Second Inventor, if any:
see above

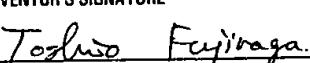
| | |
|-----------------------------------|-------------|
| Residence (City, State & Country) | CITIZENSHIP |
| Sapporo-shi, Hokkaido, Japan | Japan |

POST OFFICE ADDRESS (Complete Street Address including City, State & Country)
3-2, Makomanaikami-machi 5-chome, Minami-ku, Sapporo-shi, Hokkaido, Japan

| | | | |
|------------|-------------|--|------------------|
| GIVEN NAME | FAMILY NAME | INVENTOR'S SIGNATURE | DATE* |
| Norio | HAMAMATSU |  | January 29, 2001 |

| | |
|-----------------------------------|-------------|
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9-17-203, Marunouchi-cho, Kawanishi-shi, Hyogo-ken, Japan

| | | | |
|------------|-------------|--|------------------|
| GIVEN NAME | FAMILY NAME | INVENTOR'S SIGNATURE | DATE* |
| Toshio | FUJINAGA |  | January 22, 2001 |

| | |
|-----------------------------------|-------------|
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7-5, Mishimaoka 1-chome, Ibaraki-shi, Osaka-fu, Japan

Full Name of Third Inventor, if any
see above

Full Name of Fourth Inventor, if any
see above

Full Name of Fifth Inventor, if any
see above

| | | | |
|------------|-------------|----------------------|-------|
| GIVEN NAME | FAMILY NAME | INVENTOR'S SIGNATURE | DATE* |
| | | | |

| | |
|-----------------------------------|-------------|
| Residence (City, State & Country) | CITIZENSHIP |
| | |

POST OFFICE ADDRESS (Complete Street Address including City, State & Country)

| | | | |
|------------|-------------|----------------------|-------|
| GIVEN NAME | FAMILY NAME | INVENTOR'S SIGNATURE | DATE* |
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TECH CENTER 1600/2900
DOCKET NO. 091743-750

Papers Filed herewith on: 22 March 2001 4
DOCKET NO.: 091743-750 ATTY: JLB
APPLICANT(S): AZUMA et al.
APPLN. NO: 091743,750 FILED: 1-16-2001
PAT NO.: _____

New Application with Transmittal Letter
 Utility Design CIP PCT Provisional
 Filing Under 37 CFR 1.53(b) CONT DIV
 Filing Under 37 CFR 1.53(d) (CPA)
 Filing Under 37 CFR 1.114(RCE)
 Specification Consisting of: _____ pages
 Combined Declaration & Power of Attorney
 Assignment / Cover Letter
 Letter to Official Draftsman
 Drawings _____ Sheets Formal Informal Red-Ink
 Completion of Filing Requirements, PCT/DO/EO/905
or Formalities Letter and Executed Declaration
 Priority Document(s) / Cover Letter, No. Doc. _____
 Amendment:
 Transmtl Ltr Large Entity Small Entity
 Response _____
 Information Disc1 Strmt. PTO-1449(s) _____ ref(s)
 Notice of Appeal Appeal Brief
 Issue Fee Transmittal
 FEES: \$40.00 - due # 09174595
 Letter: _____
 Other: _____

Response _____
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DOCKET NO.: 091743-750 ATTY: JLB
APPLICANT(S): AZUMA et al.
APPLN. NO: 091743,750 FILED: 1-16-2001
PAT NO.: _____

New Application with Transmittal Letter
 Utility Design CIP PCT Provisional
 Filing Under 37 CFR 1.53(b) CONT DIV
 Filing Under 37 CFR 1.53(d) (CPA)
 Filing Under 37 CFR 1.114(RCE)
 Specification Consisting of: _____ pages
 Combined Declaration & Power of Attorney
 Assignment / Cover Letter
 Letter to Official Draftsman
 Drawings _____ Sheets Formal Informal Red-Ink
 Completion of Filing Requirements, PCT/DO/EO/905
or Formalities Letter and Executed Declaration
 Priority Document(s) / Cover Letter, No. Doc. _____
 Amendment:
 Transmtl Ltr Large Entity Small Entity
 Response _____
 Information Disc1 Strmt. PTO-1449(s) _____ ref(s)
 Notice of Appeal Appeal Brief
 Issue Fee Transmittal
 FEES: \$40.00 - due # 09174595
 Letter: _____
 Other: _____

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indicated in connection with the above identified case.
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Due Date: 4-16-2001
Handcarry: _____